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Report of the United Nations Commission on International Trade Law on the work of its thirty-third session

Report of the Sixth Committee

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I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-third session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 3rd, 4th, 24th and 25th meetings, on 9 and 10 October and on 3 and 8 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.3, 4, 24 and 25).

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its thirty-third session.[1]

4. At the 3rd meeting, on 9 October, the Chairman of the United Nations Commission on International Trade Law at its thirty-third session introduced the report of the Commission on the work of that session (see A/C.6/55/SR.3).

5. At the 4th meeting, on 10 October, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/55/SR.4).

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 17* (A/55/17).

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II. Consideration of draft resolution A/C.6/55/L.5

6. At the 24th meeting, on 3 November, the representative of Austria, on behalf of Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, Indonesia, the Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, the Netherlands, New Zealand, Nigeria, Norway, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Rwanda, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, subsequently joined by Belarus, Bolivia, Botswana and Saudi Arabia, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-third session" (A/C.6/55/L.5).

7. At its 25th meeting, on 8 November, the Committee adopted draft resolution A/C.6/55/L.5 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its thirty-third session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Emphasizing the need for higher priority to be given to the work of the Commission in view of the increasing value of the modernization of international trade law for global economic development and thus for the maintenance of friendly relations among States,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the Commission on the work of its thirty-third session,[2]

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the case law on United Nations Commission on International Trade Law texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirty-third session;[2]

2. *Commends* the Commission for the work on privately financed infrastructure projects, which culminated in the adoption of the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects, as well as the important progress made in its work on receivables financing;

3. *Appeals* to Governments that have not yet done so to reply to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards and, in particular, to the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958;[3]

4. *Invites* States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

5. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

6. *Also reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

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[2] Ibid.

[3] United Nations, *Treaty Series*, vol. 330, No. 4739.

7. *Expresses the desirability* for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and, in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Brazil, Cameroon, Côte d'Ivoire, Madagascar, Peru, the Russian Federation and South Africa;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

8. *Appeals* to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

9. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

10. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-fifth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. *Requests* the Secretary-General to strengthen the secretariat of the Commission within the bounds of the resources available so as to ensure and enhance the effective implementation of the programme of the Commission;

12. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

13. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the implications of increasing the membership of the Commission, and invites Member States to submit their views on this issue;

14. *Expresses its appreciation* to Gerold Herrmann, Secretary of the United Nations Commission on International Trade Law since 1991, who will retire on 31 January 2001, for his outstanding and devoted contribution to the process of unification and harmonization of international trade law in general and to the Commission in particular.